

September 7, 1965

CONGRESSIONAL RECORD — HOUSE

22109

"Chief of Ordnance" wherever it appears and inserting in place thereof "Secretary".

Sec. 13. Section 4565(a) of title 10, United States Code, is amended by striking out "Quartermaster General" and inserting in place thereof "Secretary".

Sec. 14. Section 4712(a) of title 10, United States Code, is amended by striking out "the court-martial jurisdiction of the Army or the Air Force" and inserting in place thereof "military law".

Sec. 15. Section 4834 of title 10, United States Code, is amended by striking out the designation "(a)" and subsection (b).

Sec. 16. Section 5036(a) of title 10, United States Code, is amended by striking out "and the Assistant Secretary of the Navy for Air" and "and the Assistant Secretary for Air".

Sec. 17. Chapter 513 of title 10, United States Code, is amended by striking out "pay," in item 5149 of the analysis and in the catchline for section 5149.

Sec. 18. Section 9343 of title 10, United States Code, is amended by striking out "faculty" in the first sentence and inserting in place thereof "Academy Board".

Sec. 19. Section 9346 of title 10, United States Code, is amended by adding the following new subsection:

"(d) To be admitted to the Academy, an appointee must take and subscribe to an oath prescribed by the Secretary of the Air Force. If a candidate for admission refuses to take and subscribe to the prescribed oath, his appointment is terminated."

Sec. 20. Section 9712(a) of title 10, United States Code, is amended by striking out "the court-martial jurisdiction of the Air Force or the Army" and inserting in place thereof "military law".

Sec. 21. Section 209 of title 37, United States Code, is amended—

(1) by striking out "United States Code," by striking out "twenty" and inserting in place thereof "20," and by striking out "section 6(d) (1) of the Universal Military Training and Service Act, as amended (50 U.S.C. App. 456(d) (1))" and inserting in place thereof "section 456(d) (1) of title 50, appendix", in subsection (a); and

(2) by striking out "United States Code," in subsection (c).

Sec. 22. Section 302(b) (3) of title 37, United States Code, is amended by striking out "and" at the end thereof and inserting in place thereof "or".

Sec. 23. Section 403(a) of title 37, United States Code, is amended to read as follows: "(a) Except as otherwise provided by this section or by another law, a member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters at the following monthly rates according to the pay grade in which he is assigned or distributed for basic pay purposes:

"Pay grade	Without dependents	With dependents
O-10.....	\$160.20	\$201.00
O-9.....	160.20	201.00
O-8.....	160.20	201.00
O-7.....	160.20	201.00
O-6.....	140.10	170.10
O-5.....	130.20	157.50
O-4.....	120.00	145.05
O-3.....	105.00	130.05
O-2.....	95.10	120.00
O-1.....	85.20	110.10
W-4.....	120.00	145.05
W-3.....	105.00	130.05
W-2.....	95.10	120.00
W-1.....	85.20	110.10
E-9.....	85.20	120.00
E-8.....	85.20	120.00
E-7.....	75.00	114.90
E-6.....	70.20	110.10
E-5.....	70.20	105.00
E-4 (over 4 years' service).....	70.20	105.00
E-4 (4 years' or less service).....	45.00	45.00
E-3.....	45.00	45.00
E-2.....	45.00	45.00
E-1.....	45.00	45.00

A member in pay grade E-4 (less than four years' service), E-3, E-2, or E-1 is considered at all times to be without dependents."

Sec. 24. Section 404(d) of title 37, United States Code, is amended—

(1) by striking out "by the Chief of Finance of the Army" in clause (1);

(2) by striking out "section" in clause (2) and inserting in place thereof "subsection";

(3) by striking out "\$12" in clause (2) and inserting in place thereof "\$16";

(4) by striking out "section" in clause (3) and inserting in place thereof "subsection"; and

(5) by adding at the end thereof the following new flush sentence:

"Where due to unusual circumstances of a travel assignment the maximum per diem allowance would be less than the amount required to meet the actual and necessary expenses of the trip, reimbursement for such expenses may be authorized, under regulations prescribed by the Secretaries concerned, on an actual expense basis, but not more than the amount specified in the travel authorization, and in any event not more than \$30 for each day in a travel status."

Sec. 25. Section 405 of title 37, United States Code, is amended by striking out "a" after "including" in the first sentence and inserting in place thereof "the".

Sec. 26. Section 406 of title 37, United States Code, is amended—

(1) by striking out "temporary or permanent change of station" in subsection (b) and inserting in place thereof "change of temporary or permanent station"; and

(2) by inserting "is" before "placed" in subsection (g) (1).

Sec. 27. Section 407 of title 37, United States Code, is amended by striking out "permanent change of station" in subsections (a) and (b) (2) and inserting in place thereof "change of permanent station".

Sec. 28. Section 409 of title 37, United States Code, is amended by striking out "goods" in the first sentence and inserting in place thereof "effects".

Sec. 29. Sections 415(a), 416(b), and 422(c) of title 37, United States Code, are each amended by striking out "United States Code,".

Sec. 30. Section 419 of title 37, United States Code, is amended by striking out "716" wherever that figure appears and inserting in place thereof "717".

Sec. 31. Section 701(d) of title 37, United States Code, is amended by striking out "Chief of Finance (in cases involving the Army) or by the Secretary of the Air Force," and inserting in place thereof "Secretary concerned".

Sec. 32. Section 801 of title 37, United States Code, is amended—

(1) by striking out subsection (b); and

(2) by striking out "two" in subsection (c) and inserting in place thereof "three".

Sec. 33. Section 1001(b) of title 37, United States Code, is amended by inserting "and allowances" before "matters".

Sec. 34. Section 1007(c) of title 37, United States Code, is amended by striking out "basic" in the second sentence.

Sec. 35. (a) The Act of September 7, 1962, Public Law 87-649 (76 Stat. 451), is amended as follows:

(1) The first sentence of section 10 (76 Stat. 496) is amended by striking out "(64 Stat. 795)" and inserting in place thereof "(64 Stat. 794)".

(2) Section 14b, headed "Statutes at Large" (76 Stat. 498), is amended by striking out, in the item relating to the Act of September 8, 1950, "1, 4.", "794, 795.", and "231, 252.",

(3) Section 14d, headed "Sections of Title 14, United States Code" (76 Stat. 502), is amended by adding at the end thereof the following:

"(7) Section 471 (a) and (b)."

(b) Clause (2) of subsection (a) of this section is effective as of November 1, 1962.

Sec. 36. (a) Laws becoming effective after June 1, 1965, that are inconsistent with this Act shall be considered as superseding it to the extent of the inconsistency.

(b) References made by other laws, regulations, and orders to the laws restated by this Act shall be considered to be made to the corresponding provisions of this Act.

(c) Actions taken under the laws restated by this Act shall be considered to have been taken under the corresponding provisions of this Act.

Sec. 37. The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act:

(1) Section 1409 of the Supplemental Appropriation Act, 1953 (66 Stat. 661), as amended by section 2 of the Act of October 9, 1962, Public Law 87-777 (76 Stat. 777).

(2) Section 1309 of the Supplemental Appropriation Act, 1954 (67 Stat. 437), as amended by section 2 of the Act of October 9, 1962, Public Law 87-777 (76 Stat. 777).

(3) The Act of June 27, 1962, Public Law 87-500 (76 Stat. 111).

(4) Section 1 of the Act of June 28, 1962, Public Law 87-509 (76 Stat. 120).

(5) Section 1 of the Act of July 10, 1962, Public Law 87-531 (76 Stat. 152).

(6) The Act of October 9, 1962, Public Law 87-777 (76 Stat. 777).

(7) Section 6112 of title 10, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENACTMENT OF TITLE 5, UNITED STATES CODE

The Clerk called the bill (H.R. 10104) to enact title 5, United States Code, "Government Organization and Employees," codifying the general and permanent laws relating to the organization of the Government of the United States and to its civilian officers and employees.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. PELLY. Mr. Speaker, reserving the right to object, I note that this bill is some 367 pages. In the interest of economy and in accordance with precedent, I ask unanimous consent that we waive the printing of the bill in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPRUCE KNOB-SENECA ROCKS RECREATION AREA, W. VA.

The Clerk called the bill (H.R. 10330) to provide for the establishment of the Spruce Knob-Seneca Rocks National

Recreation Area, in the State of West Virginia, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ASPINALL. Mr. Speaker, reserving the right to object, and I hope I will not have to object, I desire to ask a question or two of the sponsor of the bill. This bill, as well as the one following, carries no authorization for appropriation; is that correct?

Mr. STAGGERS. That is correct; there is no authorization for appropriation.

Mr. ASPINALL. Also, as I understand the situation, this bill is written in complete conformity with the provisions of the Land and Water Conservation Fund Act. The Land and Water Conservation Fund Act provides for the purchase of inholdings but does not provide for the purchase of adjacent lands which might be used for these purposes. The purpose of this bill is to bring in harmony the authority of the Department of Agriculture to purchase lands presently outside of the National Forests in order to include them within a recreational area; is that correct?

Mr. STAGGERS. That is my understanding; some 6,000 acres.

Mr. ASPINALL. Mr. Speaker, I withdraw my reservation of objection.

Mr. GROSS. Mr. Speaker, further reserving the right to object, I am not clear as to how many acres are proposed to be purchased for this recreational area; nor am I clear as to whether the Federal Government, having developed this very sizable tract for recreation, hunting and fishing, the people who use it are going to have to buy State fishing licenses from the State of West Virginia.

Mr. STAGGERS. Yes; I am sure that they will. The Government owns a great amount of this land at the present time. There are some 60,000 acres lying outside of the 100,000 acres proposed. It is all within two counties in West Virginia. The gentleman from Colorado [Mr. ASPINALL] asked whether there was any authorization for appropriation. There is not. This is contained within the Land and Water Conservation Act at the present time.

Mr. GROSS. Mr. Speaker, is the gentleman saying that there will be purchased, with Federal funds, 60,000 acres of land?

Mr. STAGGERS. It is 6,000 acres instead of 60,000. This is a bill which has been passed by the other body and sent over here.

Mr. GROSS. Which is it—6,000 or 60,000?

Mr. STAGGERS. It is 6,000.

Mr. GROSS. What would be the average cost of the acquisition of this land?

Mr. STAGGERS. It is all mountain land, in the scenic part of West Virginia. The highest part of the State's Spruce Knob is some 4,860 feet. There is no farming in that area and there is no salable lumber in that area.

Mr. GROSS. Mr. Speaker, I would like to ask this question. In other national recreation areas are those who use them, and who come from other States, required to buy fishing licenses?

Mr. STAGGERS. Yes.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. I yield to the gentleman.

Mr. ASPINALL. This is written in complete conformity with the Land and Water Conservation Fund Act. Anyone fishing and hunting within a State must purchase a State license. If he is a nonresident he must purchase a nonresident license. Not only that, as I understand, in this particular area fees will be charged—entrance fees or user fees will be charged for the use of the areas as they are developed by the National Forest Service. This is a part of the Land and Water Conservation Act law, and as my friend will remember, that passed a year ago, which legislation, by the way, has had some criticism recently of its administration and enforcement. But, may I say, that our latest report is that by and large the Land and Water Conservation Fund Act is working very well.

Mr. GROSS. Then, in order to use an area that has been developed by the taxpayers' money of all the United States, those taxpayers who use it will be required not only to pay an admissions fee but to buy a fishing license, a nonresident fishing license, in that State; is that right?

Mr. ASPINALL. If my colleague will yield to me, this has been true throughout the years as far as the public land States in the West are concerned. In Colorado big game and small game and fishing licenses are required to hunt upon the public domain.

Mr. GROSS. Does not the gentleman from Colorado think it is about time that we arrived at some kind of legislation to provide for a Federal fishing license?

Mr. ASPINALL. If my friend will permit an answer in this respect, I do not believe that that time is yet here.

Mr. GROSS. The gentleman does not think it is?

Mr. ASPINALL. I do not think so. I believe that the game and fish operations are best preserved by the States themselves.

Mr. GROSS. Well, of course, the State is not preserving this. This burden or expense is falling upon the taxpayers of the entire country.

Mr. ASPINALL. If the gentleman will yield further, the game and fish values are preserved by the States. They are propagated by the States and they are conserved by the States, even though the lands are public lands.

Mr. GROSS. Would the gentleman say that they cannot obtain fish to stock a lake reservoir, or pond in this recreational area from the Federal hatcheries?

Mr. ASPINALL. If the gentleman will yield further, I am saying that there are not enough Federal fish hatcheries to do any kind of a job throughout the United States. That is the fact.

Mr. GROSS. If the hatcheries had the fish they could be planted in such a water storage area and they would get them, would they not?

Mr. ASPINALL. They would get them under the same terms that they get the young fish, the fry, out of State hatcheries.

Mr. GROSS. I cannot agree with my friend, the gentleman from Colorado [Mr. ASPINALL], that the time is not yet here for a Federal fishing license which would not only yield something to the States but would also yield some revenue to the Federal Government from fishing areas that have been developed by Federal tax money.

Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. JOHNSON of Pennsylvania. Mr. Speaker, further reserving the right to object, I would like to further interrogate the gentleman from West Virginia.

This seems to be the first authorization of buying recreation lands under the new fund which we set up in 1964.

I believe the gentleman from West Virginia is in error with respect to the number of acres to be acquired.

According to the report; yes, only 6,000 acres have newly been authorized as being outside the inland definition, but there is going to be 100,000 acres and the Government only owns 40,000. The park is to be composed of 100,000 acres. So, therefore, there will be 60,000 acres purchased; is that not correct?

Mr. STAGGERS. If the gentleman will yield. The total amount to be purchased is 6,000 acres.

Mr. JOHNSON of Pennsylvania. And, also, the report goes on to say that the land and water conservation fund will have to come up with \$3.5 million; is that not correct?

Mr. STAGGERS. If the gentleman will yield further, that is true, but according to the report they already have authority to buy the balance of this land.

Mr. JOHNSON of Pennsylvania. But we are talking about spending \$3.5 million out of this fund; is that not correct?

Mr. ASPINALL. Mr. Speaker, if the gentleman from Pennsylvania will yield to me, by and large these will be Federal funds or the State's share of Federal funds from the land and water conservation fund.

Now, Mr. Speaker, the gentleman is correct insofar as the cost is concerned. But this is a very small expense when one considers it in relation to other recreational areas that we are providing for different sections of the United States at the present time.

Today we have on the calendar the Assateague Island Seashore area which is estimated to cost in the neighborhood of \$20 to \$25 million.

We just got through taking care of a recreational area in the gentleman's home State, where the cost would amount, of course, to much more than that before we get through with it.

What we are trying to do—and I have nothing to do with this legislation; in fact I did not know it was on the calendar until I studied this bill last weekend—what we are trying to do is to get these recreational areas scattered throughout the Nation so the people will not all congregate at just a few places.

Mr. JOHNSON of Pennsylvania. Mr. Speaker, further reserving the right to